

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Christopher Frank Pittman,)	
)	
Plaintiff,)	C.A. No. 6:21-1056-HMH-KFM
)	
vs.)	OPINION & ORDER
)	
Henry McMasters,)	
James Lucas,)	
G. Murrell Smith, Jr., Bryan P. Sterling,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 of the District of South Carolina.¹ Christopher Frank Pittman (“Pittman”), proceeding pro se, filed a motion for a temporary restraining order and a preliminary injunction. In his Report and Recommendation, Magistrate Judge McDonald recommends denying the motion.

Pittman filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Pittman objects to the magistrate judge's conclusion that she² has not established the required elements for a temporary restraining order or preliminary injunction. (Objs., generally, ECF No. 7.) First, Pittman argues she is likely to succeed on the merits of her claims and suffer irreparable harm in the absence of preliminary relief. (Id. 1-2, ECF No. 7.) Second, Pittman contends that she has alleged personal actions taken in violation of her rights by the named defendants. (Id. 2-3, ECF No. 7.)

After review, the court finds Pittman's objections are without merit. Based upon a review of the record, Pittman has failed to make a clear showing that she is likely to succeed on the merits of her claims and suffer irreparable harm in the absence of preliminary relief. See Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); The Real Truth About Obama, Inc. v. Fed. Election Comm'n, 575 F.3d 342, 346-47 (4th Cir. 2009), vacated on other grounds, Citizens United v. FEC, 558 U.S. 310 (2010), aff'd, The Real Truth About Obama, Inc. v. FEC, 607 F.3d 355 (4th Cir. 2010) (per curiam). Further, Pittman fails to identify actions taken by the named defendants with respect to the arguments raised in the motion. As the magistrate judge noted, Pittman did not file a complaint before filing the instant motion. Although she filed a 42 U.S.C. § 1983 complaint on April 21, 2021,³ the complaint does not request preliminary relief and raises distinct claims from those raised in the instant motion.⁴ (See Compl. 6, ECF No. 9.)

² Pittman identifies as a female. (Mot. 3, ECF No. 1.)

³ Houston v. Lack, 487 U.S. 266 (1988).

⁴ Pittman's complaint has been referred to the magistrate judge.

Pittman has failed to satisfy the standard for the issuance of a temporary restraining order or a preliminary injunction.

Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge McDonald's Report and Recommendation and incorporates it herein by reference.

It is therefore

ORDERED that Pittman's motion for a temporary restraining order and a preliminary injunction, docket number 1, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
May 11, 2021

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.